

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

Elizabeth HUNTER; et al., on behalf of)
themselves and all others similarly situated,)
Plaintiffs,) Civil Action No.
v.)
U.S. DEPARTMENT OF EDUCATION and)
Suzanne GOLDBERG, in her official capacity as)
Acting Assistant Secretary for Civil Rights,)
U.S. Department of Education,)
Defendants.)
)
**DECLARATION OF
DANIELLE POWELL**

I, Danielle Powell, declare:

1. I am over 18 years of age and have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.
2. I am a resident of New Orleans, Louisiana, located in Orleans Parish.
3. Beginning in August 2007, I became a student at Grace University in Omaha, Nebraska. I ceased attending Grace University in March 2011 without graduating.
4. I am a federal income taxpayer in the United States. I am also repaying student loans that I took out to enroll in Grace University.
5. Grace University ceased operations in 2018. Its student handbooks were not archived. I have a handbook saved from when I was a student there for the years 2010-2011.
6. Included with some of these rules in the student handbook are severe restrictions on media and computer usage, including limitations on channels, movies, and shows that students can watch and not be allowed to dance at campus events without the permission of the dean.
7. Included in the student handbook is an extensive section on dating. It states, among other things, "Sexual purity should be the goal of every dating couple."
8. The statement on dating also states, "sexual fulfillment is reserved by God for heterosexual marriage."

9. In another section, the handbook states, "Outside of heterosexual marriage, interpersonal sexual activity in all its forms is sin according to God's word. Any student involved in sexually immoral behavior, including premarital sex, adultery, and homosexual acts is at minimum placed on University Probation and may be subject to a Judiciary Hearing." (Emphasis in original.)
10. The handbook states that students accept these terms by signing their application for admission.
11. I am a pansexual woman.
12. I originally attended Grace University after my mother had me try out for their volleyball team. I made the team and was offered a significant financial aid package. The package offered was based on my high school academic record, financial need, and being African-American. My sister also lived in Omaha with my niece and nephew, and I wanted to be close to family.
13. Initially, when I enrolled in Grace University, my sexual orientation was not an issue. I identified as heterosexual, dated men, and was not exposed to other forms of sexual identity and gender expression.
14. In my senior year, I began to question my sexual orientation because I started to have feelings for my best friend, who was a woman.
15. I did not know in detail the consequences of coming out at that time. I did know that the culture of Grace University did not accept homosexuality. I did not even know closeted LGBTQ+ students who attended Grace University then. I knew my coming out would not be accepted.
16. Grace University's code of conduct addressed homosexual acts alongside violations such as premarital sex. After my expulsion, Grace University adjusted its honor code to forbid all same-sex relationships and dating.
17. This language change made me feel relieved and vindicated as I realized other students would not face the same problem I did when it came to misleading language in the code of conduct. Grace university would no longer be able to trick students into attending Grace University and spending money with them through deceitful and coded language in the code of conduct.
18. As a result of coming out, I was separated from my peers and my students in my housing community with less than 24 hours' notice. During the judiciary board process, I was

questioned about my faith and shamed in front of faculty and other students. I was not allowed to spend time alone with my girlfriend.

19. After my expulsion from Grace University, the school demanded that I repay over \$6,000 and refused to release my transcripts until I did. This money was paid in institutional scholarship funds on my behalf. Ultimately, grace University and I came to an agreement when a representative from Grace stated on a radio show that they would not hold my transcripts. This representative also said that there would be no other repercussions if I did not pay these funds back.
20. As a student, I would not have attended Grace University without student loans. I believe that schools should not be able to collect financial aid this way and then discriminate against students because of their sexual orientation and gender identity. Schools should not be able to take government funds and then infringe on their students' civil rights and freedoms.
21. I am participating in this lawsuit to be sure that no student's education is compromised in the way mine was.
22. I have lost so much due to Grace University's actions. I lost respect, equal treatment, vocational opportunities, financial earnings, anonymity, etc. I do not want other students to have to face these same losses.
23. I am a taxpayer and do not feel that my taxes should be spent in furthering the discrimination against me by Grace University.
24. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this _____ day of February, 2021.

By:

A handwritten signature in cursive script that reads "Danielle Powell".

Danielle Powell